



Charles R. Lucy .
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July 21, 2015

VIA CERTIFIED MAIL
Office of the Secretary of the Air Force
THRU: SAF/AII (FOIA)
1000 Air Force Pentagon
Washington, DC 20330-1000

Freedom of Information Office
10 CS/SCSF
4199 Academy Drive
USAFA, CO 80840

Re: FOIA Request on Behalf of Mr. Joseph L. Bunecke (Lt Col, Ret.)

Dear Sir/Madam:

I am writing on behalf of my client, Lt Col Joseph L. Bunecke, USAF, Ret, to request documents and information in the possession of the Department of the Air Force regarding the sexual assault on Lt Col Bunecke's daughter, Kirsten Bunecke, at or near USAFA in January 2013. I am also addressing this request to the FOIA office at the United States Air Force Academy to expedite processing. Pursuant to paragraph C1.4.2 of DOD Directive 5400.7/Air Force Supplement, *DOD Freedom of Information Act Program*, 24 June 2002, implementing the Freedom of Information Act, 5 U.S.C. 552 and AFI 33-332, *Air Force Privacy Act Program*, 29 January 2004, implementing the Privacy Act, 5 U.S.C. 552a, I hereby request the following information from USAFA:

1. Any and all documents, forms, records, memoranda, correspondence, notes, e-mails, staff summary sheets and reports concerning the investigation and disenrollment of former USAFA Cadet Joshua A. Hall and related actions (including all regulations and policy guidance related thereto).

2. Any and all documents, forms, records, memoranda, correspondence, notes, e-mails, staff summary sheets and reports concerning the investigation and late graduation of Lt Col Bunecke's daughter, Kirsten Bunecke, and related actions (including all regulations and policy guidance related thereto).

3. Any and all regulations, policies, and guidance containing processes and procedures the Academy has in place, has put in place, or has amended to address reports of sexual assault and threats of violence similar to those involved in Lt Col Bunecke's daughter's case. Included

EXHIBIT A

Holland & Hart LLP

Phone [719] 475-7730 Fax [719] 634-2461 www.hollandhart.com

90 S. Cascade Ave. Suite 1000 Colorado Springs, CO 80903 Mailing Address P.O. Box 2340 Colorado Springs, CO 80901-2340



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in this request is a specific request for the USAFA Sexual Assault Prevention and Response Strategic Plan and all amendments thereto. Also included are all internal policies and guidance applicable to cadet access to firearms in sexual assault cases (both for attackers and victims).

4. All documents and records reviewed, all supporting documents and records, and recommendations which encompasses such non-private records as past, current and proposed sexual assault regulations, procedures, processes, training programs, and protocols; sexual assault surveys, results, recommendations, and actions resulting therefrom; correspondence, e-mails and other materials related to "lessons learned"; all studies, analysis and comparisons of compliance with DODI 6495.02; and proposals for change resulting from the investigation (whether pending or enacted).

5. The Military Service Academy Report to Congress for 2013-2014, dated February 2015, and all internal memoranda, staff summary sheets, forwarding documentation and attachments related thereto, including any references to Lt Col Bunecke's daughter's case.

6. All USAFA IG and DOD IG reports regarding or related to the processing of sexual assault complaints and threats of violence at USAFA, including recommendations for change. Include all policies and procedures related to the involvement of the chain of command and relevant OPRs.

The above requests are made in the spirit of DOD 5400.7-R which emphasizes DOD policy in favor of disclosure (DOD5400.7-R_AFMAN 33-302, paragraph C1.5.2., October 21, 2010) and strongly discouraging procedural roadblocks to disclosure (Id., paragraph C1.5.3.). In this regard, it is incumbent upon the Air Force to comply with the spirit as well as the intent of the FOIA. In this case, DOD 5400.7-R and AFMAN 33-302, paragraphs C1.3.1.1. mandate that the benefit of the doubt be given to the requester. This includes openness with the public, especially where the public's interest in the information is paramount. Such an interest is clearly present where the safety and security of its service academy cadets is implicated.

Due to the nature of this request, Lt Col Bunecke respectfully requests that all search and copying fees be waived because his request is in the public interest and likely to contribute significantly to public understanding of the operations or activities of the Department of Defense and its components. Without question, his request falls squarely within the tests enumerated in DOD 5400.7-R, paragraph C6.1.4.3.1 to determine the public interest fee exception for FOIA requests.



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Please do not hesitate to contact the undersigned with any questions you may have regarding this appeal.

Sincerely yours,

A handwritten signature in black ink that reads "Charles R. Lucy".

Charles R. Lucy
Of Counsel
for Holland & Hart LLP

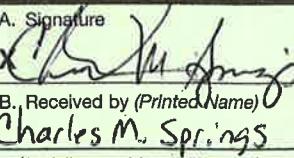
CRL/sb

cc: Joseph L. Bunecke, Lt Col (USAF, Ret.)

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